

ZB# 94-30

Karen Cadigan

45-4-4

#94-30 - Cadigan, Karen &
Daniel

Prelim.

July 11, 1994.

Motion to sched.
P.H.

Ans. furnished 7/19/94.

~~9/6/94 - Notice to Sentenced
Letters out 9/1/94~~

① Deed ✓

② Title Report ✓

③ Photos ✓

④ Fees: ① 50.00 ✓

② 292.00 ✓

~~Public Hearing.~~

Sept. 26, 1994.

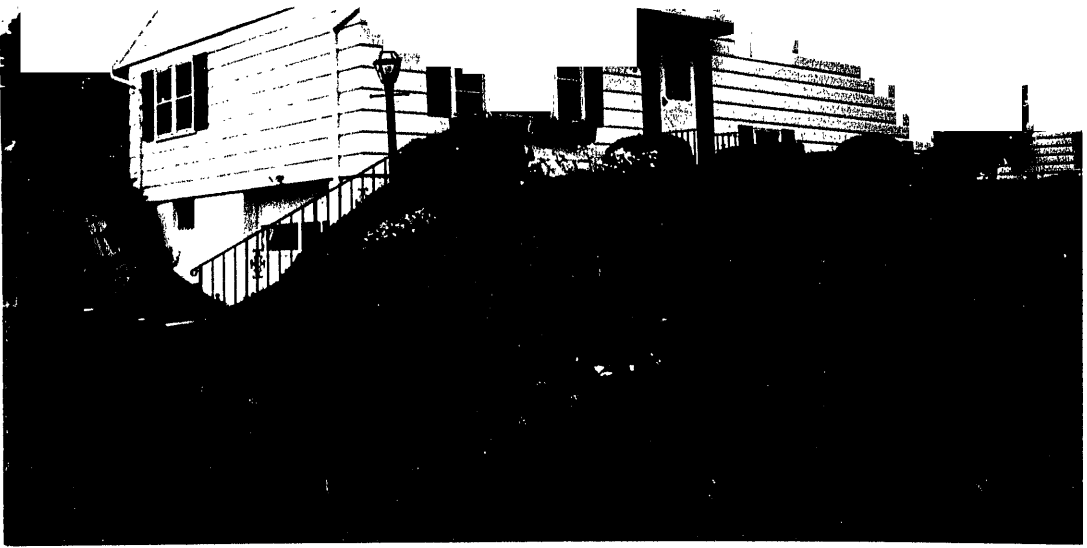
Area Variances.

Approved.

Fees Paid
9/9/94.

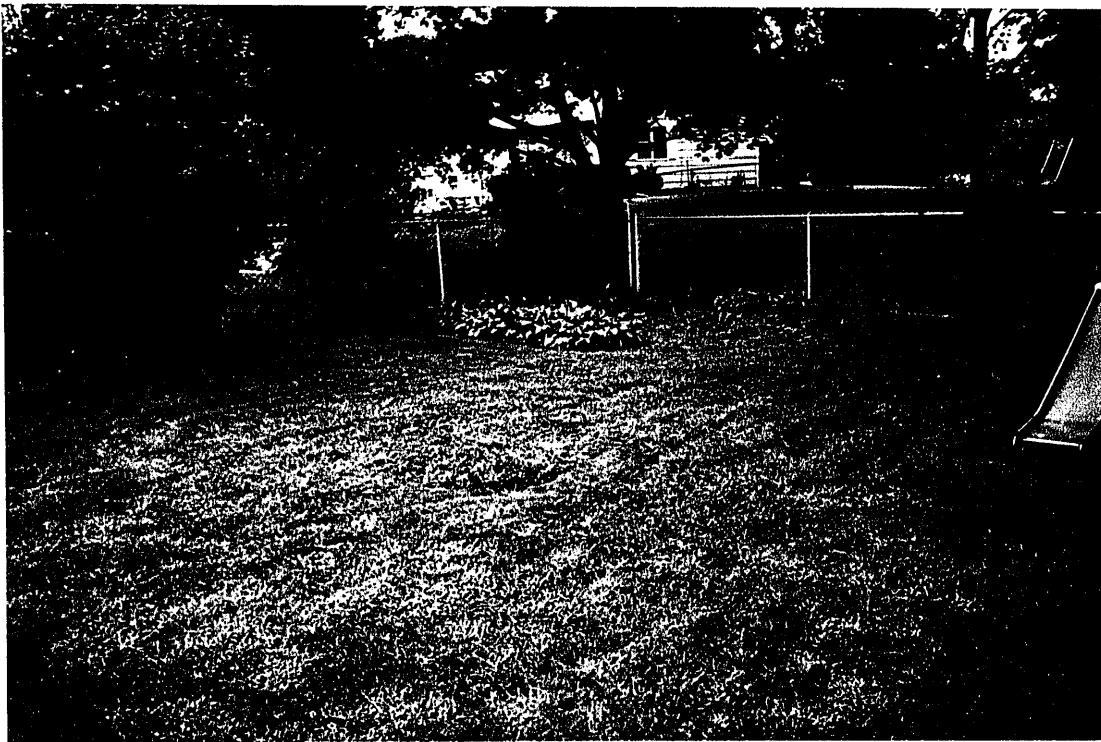
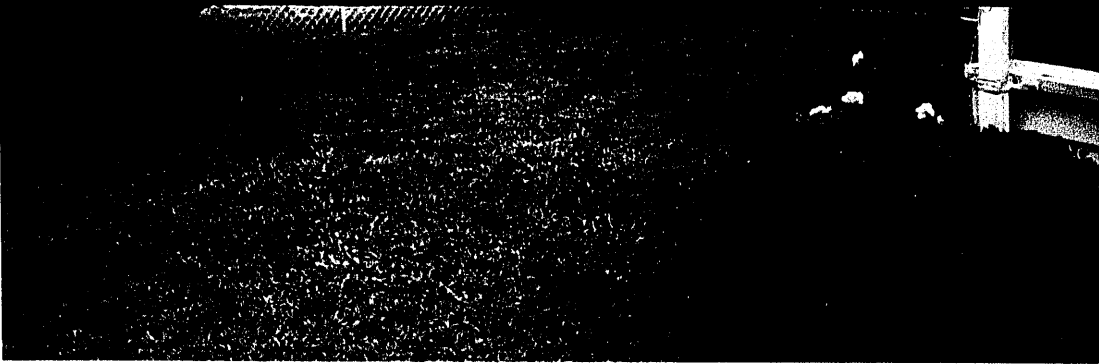
7/11 Public Hearing Granted







Daniel



-----x
In the Matter of the Application of

KAREN CADIGAN,

DECISION GRANTING
AREA VARIANCE#94-30.

-----x

WHEREAS, KAREN CADIGAN, residing at 15 Continental Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7 ft. side yard and 7 ft. rear yard variance to construct a shed located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 26th day of September, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, KAREN CADIGAN, appeared in behalf of herself; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, there were no spectators to speak and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) This is a one-family property in a zone and neighborhood of one-family homes.

(b) Prior to this applicant's purchase of the property, there was in existence a shed which was removed prior to this applicant becoming the owner but the landscaping around the former shed site still exists.

(c) The Town of New Windsor code requires that a shed be located 10 ft. from the side and rear lines of the property. The location of the former shed and proposed location of this shed is 3 ft. from each property line.

(d) There are many other homes in the neighborhood with sheds similar to that which the applicant seeks to erect.

(e) Putting a shed in the location mandated by the Town of New Windsor code would not be aesthetically pleasing and would result in a decrease in value of this property and have an adverse impact on the value of other properties in the

neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances sought are substantial but it is the conclusion of the Board that they are warranted since the proposed location is better than that which would be mandated by strict compliance with the Zoning Local Law.

4. There will be no adverse impact to the neighborhood.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but nevertheless should be granted since this applicant would be allowed to erect a shed in any event and the proposed location of this shed is better both for this property and the properties in the neighborhood.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

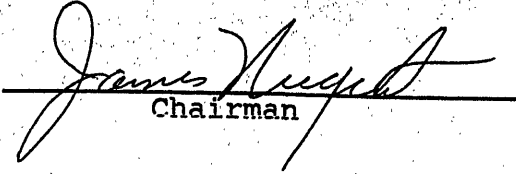
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7 ft. side yard and a 7 ft. rear yard variance in order for applicant to construct a shed located at the above residence in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 14, 1994.

(ZBA DISK#12-102794.KC)


Chairman

PUBLIC HEARINGS:

CADIGAN, KAREN

MR. NUGENT: Request for 7 ft. side yard and 7 ft. rear yard variances to construct a 10 x 12 ft. shed at 15 Continental Drive in R-4 zone.

Mrs. Karen Cadigan appeared before the board for this public hearing.

MR. TORLEY: Is there anybody out there in the audience wishing to speak on this?

MR. NUGENT: Okay.

MRS. CADIGAN: I don't see where this variance would cause any detriment to the health or safety or the characteristics of the neighborhood. In fact, I think it would probably improve it. It had a shed and it had, and it was quite attractive.

MR. NUGENT: Did you bring some photographs?

MS. BARNHART: They are right here.

MRS. CADIGAN: And there's already landscaping in place where the shed had been and to put it ten feet would require us removing a couple substantial shrubs which we'd rather not do. They are like 12 feet tall.

MR. NUGENT: Why did you need a variance when you have it appears to be quite a bit of lawn in your rear?

MRS. CADIGAN: In the back there isn't that much really because of the landscaping that is there and it would really chop up the yard a lot.

MR. NUGENT: Can you point out where it's going to go in this corner?

MRS. CADIGAN: Yeah, it's going to go right in here.

MR. NUGENT: I guess why you are here is it's too close to the line?

MR. BABCOCK: That is correct.

MR. LANGANKE: It's not up yet is it?

MRS. CADIGAN: No, they tore it down.

MR. BABCOCK: There was an existing shed there?

MR. LANGANKE: So they wouldn't have to get a variance.

MR. BABCOCK: They didn't have time.

MRS. CADIGAN: There wasn't enough time, we were running out of living expenses.

MR. LANGANKE: Couldn't they move it?

MR. TORLEY: Seven feet code.

MRS. CADIGAN: It would really chop up the yard.

MR. LANGANKE: No, I mean couldn't they have rather than rip it down?

MRS. CADIGAN: They were tearing it down minutes before closing so--

MRS. BARNHART: Well, we had sent out 50 notices. I have an affidavit of service by mail and nobody came.

MR. TORLEY: So you feel that this is not a sort of a detriment to the neighborhood?

MRS. CADIGAN: No, I don't think so, I mean, I see other people they have their's up.

MR. TORLEY: And putting it back where the zoning code allows it you feel would be--

MRS. CADIGAN: I think it would look awful.

MR. TORLEY: So that would be a decrease in the

property value by putting it--

MRS. CADIGAN: Where it should be, yeah, I think it would.

MR. TORLEY: And you'd have to tear out some existing landscaping?

MRS. CADIGAN: Right.

MR. KRIEGER: Okay, this is a one family home in the neighborhood of one family homes?

MRS. CADIGAN: Yes.

MR. KRIEGER: Do many of the other homes have similar sheds?

MRS. CADIGAN: They do.

MR. LANGANKE: Is this the same shed going up again?

MRS. CADIGAN: No,

MR. TORLEY: How big is it?

MR. BABCOCK: It's two foot bigger.

MRS. CADIGAN: We haven't purchased it yet, we're waiting.

MR. BABCOCK: Here's a brochure, if you want to show it to them.

MR. TORLEY: In there enough?

MR. KRIEGER: Yes, there's enough.

MR. TORLEY: I move that we grant the Cadigans their request for 7 foot side yard and rear yard variances.

MR. LANGANKE: I second it.

ROLL CALL

MR. KANE AYE
MR. LANGANKE AYE
MR. TORLEY AYE
MR. NUGENT AYE

MRS. CADIGAN: Because we're always under the threat of being transferred, if we don't get this done until next spring, does this variance go if we sell the house, will those people have to do it all over again?

MR. BABCOCK: One year.

MRS. BARNHART: If you don't get it before a year's time, notify me and ask for an extension. You can get a year's extension.

MRS. CADIGAN: If we stay there we'll definitely put it up before the year. But if we don't get it up and we get transferred, do the new people who buy the house have to go through this?

MR. KRIEGER: Separate criteria. Number one, a variance goes with the land, that is forever. Number 2, however, you must act within a year of having gotten the variance. So according to number one, yeah, they've got no problem. According to number 2, if you can't act within a year in order to save that, then do as suggested, make an application for an extension of time, provided that time is extended, and the building actually occurs within the year or such extended time as you may get then the forever aspect takes over.

MRS. CADIGAN: Okay, so you just go and get it now and put it up and then what?

MR. KANE: Then you're done.

MR. BABCOCK: You don't want a building permit right now?

MRS. CADIGAN: Yeah.

MR. BABCOCK: Okay.

MR. KRIEGER: You get a building permit, you put it up.

MR. LANGANKE: Can't we put restrictions on a variance?

MR. KRIEGER: Yes.

MR. LANGANKE: You said it went with the land for life?

MR. KRIEGER: Yes, you can put restrictions on a variance. The reason I hesitate is because some restrictions you can and some restrictions you can't. It's not an unlimited free form situation but you can, yes, a variance can be limited in time but if it's not limited in time, then it goes forever, it goes with the land.

MR. NUGENT: You're all set.

MRS. CADIGAN: Thank you.



Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924
(914) 294-6909 (914) 343-6678 FAX: (914) 294-3530

Policy Writing Agent for

Fidelity National Title

INSURANCE COMPANY OF NEW YORK

NWD-1102

PRELIMINARY CERTIFICATE

TITLE NO RD-33-24029

Application of David Donovan, Esq. owners \$ 135,000.00
for lessee's \$
mortgagee's \$ 128,250.00

policy insuring Daniel J. Cadigan, Karen M. Cadigan and The Prudential
Home Mortgage Company, its successors and/or assigns as
their interest may appear

FIDELITY NATIONAL TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by

Arthur S. Roller and Joyce I. Roller

who acquired title by deed from Roland C. Hebert and Elaine C. Hebert

dated 9/5/69 and recorded 9/8/69 in Liber 1829 at page 366

SCHEDULE A

All that certain tract of land lying and being in the County of Orange Town of New Windsor,
State of New York, being more particularly described as follows:

See Schedule "A" attached.

SCHEDULE B

*Redated
2/14/94
LR*

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof - none.

Mortgagor:

Mortgagee:

Amount: \$

Dated:

Recorded:

Liber

Page

SCHEDULE B (continued)

3. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map. Grant in Liber 1607 Cp. 24 and Liber 1608 Cp. 1094. Covenants and Restrictions in Liber 1665 Cp. 31.

4. Survey to come.

5. Other Encumbrances or Defects:

How Disposed of

A. The Company does not insure that the buildings or other erections upon the remises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.

B. No title to personal property will be insured nor has any search for financing statements been made.

C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.

D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

E. The identity of parties at the closing of this title should be established to the satisfaction of the representative for this Company.

F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.

G. Rights of present tenants, lessees or parties in possession.

H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.

I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.

- J. The exact acreage of the premises herein will not be insured.
 - K. Riparian rights, if any, in favor of the premises herein are not insured.
 - L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
 - M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
 - N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
 - O. Subject to any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency or similar creditors' rights laws.
 - P. Certificate of Occupancy, see attached.
 - Q. Violation Search, see attached.
 - R. Street Report, see attached.
 - S. Flood Hazard Certification, see attached.
- Continued...

This title is certified down to the 5th day of January, 1994 at _____ o'clock _____ M


Hardenburgh Abstract Company of Orange County, Inc./vh
by James V. Rinaldi

NAME OF PARTY TO BE INSURED: Daniel J. Cadigan, Karen M. Cadigan and The
Prudential Home Mortgage Company

FIDELITY NATIONAL TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the amounts set forth which its insured may sustain by the failure of this Preliminary Certificate to reflect correctly the record title to the property described as of the above date and hour; such insurance to be null and void unless the premium thereon is paid. Upon the issuance of said policy, this certificate shall be of no further force and effect and no liability for loss or damage will be assumed by the Company other than that arising under said policy.

Executed this _____ day of _____, 19____

FIDELITY NATIONAL TITLE INSURANCE COMPANY

By: _____

5. Other Encumbrances or Defects (Cont'd.):

- T. For Mortgage Policy only: Company affirmatively insures that with the exception of providing utility service to the subject dwelling, that Grant in Liber 1607 Cp. 24 and Liber 1608 Cp. 1094 do not create any rights which extend more than 10 feet inside any record line and that the exercise of any rights thereunder will not interfere with the use and occupancy of structural improvements located on the premises.
- U. For Mortgage Policy only: Company affirmatively insures that Covenants and Restrictions in Liber 1665 Cp. 31 are presently not violated and any future violation will not result in a reversion or forfeiture of title. Also, there is no condition or right of reentry or other provision for forfeiture under which the insured mortgagee can be cut off, subordinated or otherwise disturbed.

TAX SEARCH

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
SCHOOL DISTRICT 331100
PROPERTY CODE 210

1993 TAX ROLL

Assessed To:

Arthur and Joyce Roller

Bill No.:

6062

Bounded:

Map 45 Block 4 Lot 4
Lot 15 Block D Gateway

Assessed Value:

Land: \$ 7,400.00
Full: \$32,600.00
Vet. Ex.: \$5,000.00 (County)
\$5,000.00 (Town)

omit 1993 State ,County and Town Tax \$1,236.32 - paid January 19, 1993.

1994 State, County and Town Tax \$1,263.04 - open. *pd 1/21/94*

Subject to 1993/94 School Tax. *final installment \$21.44 pd @ closing*

Subject to Sewer and Water owing, if any.

*final water bill 73.71
pd 2/3/94*

Policy will except all unpaid water rates and/or sewer
rents or assessments in the absence of paid bills and
receipts to be presented at closing.
If the said premises are in an incorporated village,
village tax receipt must be produced.
Does not include assessments for any special district
not a part of the state and county tax roll.

Company excepts any liability or damage
due to the removal of premises from aged/
agricultural/veterans/exemptions.

SCHEDULE "A"

All that certain lot, piece or parcel of land, together with the improvements thereon, known as Lot No. 15 Continental Drive, Block "D", on Amended Map of Gateway, Schoonmaked Bros., Inc., Town of New Windsor, Orange County, New York, as made and amended September 16, 1963 by C. F. DiMarzio L. S. No. 15985, and which amended map was filed October 15, 1963 as Map No. 2009, Orange County Clerk's Office, and which lot is more particularly bounded and described as follows:-

BEGINNING at the most northerly corner of Lot No. 13 Continental Drive, Block "D", as shown on said Amended Map of Gateway filed in the Orange County Clerk's Office as Map No. 2009, and continuing from thence along the northwesterly line of said Lot No. 13 Continental Drive, Block "D", South 49° 53' West 125 feet; thence along the rear line of Lot No. 51 Parade Place, Block "D", North 40° 07' West 29.15 feet and North 55° 06' West 48.70 feet; thence along the southeasterly line of Lot No. 17 Continental Drive, Block "D", North 34° 54' East 125 feet; thence along the

Southwesterly line of Continental Drive, South 55° 00' East 52 feet; thence continuing along Continental Drive on a curve to the right, with a radius of 100 feet for a distance of 26.14 feet; thence still along Continental Drive, South 40° 07' East 32.41 feet to the point of beginning.

This Indenture,

Made the 11th day of February, 1964,
hundred and Sixty-four,

Between SCHOONMAKER BROS., INC., with principal office located at
Route 94, M. D. 33, Town of New Windsor, Orange County, State of New
York,

a corporation organized under the laws of the State of New York,

, party of the first part, and

CHARLES J. TEMPLETON and CHARLOTTE K. TEMPLETON, husband and wife,
as tenants by the entirety, residing at No. 17 Continental Drive,
Town of New Windsor, Orange County, State of New York,

, parties of the second part,

Witnesseth, that the party of the first part, in consideration of TEN - - - - -
- - - - - (\$10.00) - - - - - Dollars,
lawful money of the United States, and other good and valuable considerations,
paid by the parties of the second part,
does hereby grant and release unto the parties of the second part, their heirs
and assigns forever,

All that certain lot, piece or parcel of land, together with the
improvements thereon, known as Lot No. 17 Continental Drive, Block
"D", on Amended Map of Gateway, Schoonmaker Bros., Inc., Town of New
Windsor, Orange County, New York, as made and amended September 16,
1963 by C. F. DiMarzio, L. S. No. 15985, and which amended map was
filed October 15, 1963 as Map No. 2009, Orange County Clerk's Office,
and which lot is more particularly bounded and described as follows:-

BEGINNING at the most northerly corner of Lot No. 15 Continental
Drive, Block "D", as shown on the Amended Map of Gateway, filed in
the Orange County Clerk's Office as Map No. 2009, and continuing from
thence along the northwesterly line of said Lot No. 15 Continental
Drive, Block "D", South 34° 54' West 125 feet; thence along the rear
line of Lots Nos. 51 and 53 Parade Place, Block "D", North 55° 06'
West 95 feet; thence North 34° 54' East 125 feet to the southwesterly
line of Continental Drive; thence along the southwesterly line of
Continental Drive, South 55° 06' East 95 feet to the point of beginning.

TOGETHER with a right in common with all others heretofore given or who hereafter may be given by the grantors or their assigns a right of ingress and egress over and upon the hereinabove mentioned proposed street lying in front of the southerly

side of the premises herein conveyed, as well as a similar right of way over and upon any continuation of said street or any connecting street or streets to afford and enable passage and re-passage from the conveyed premises to and from Route 94.

SUBJECT to all grants of record heretofore given to Central Hudson Gas and Electric Corporation and New York Telephone Company.

Together with a right in common with all others given the same rights to water for ordinary domestic purposes from the well and any auxiliary well subsequently connected thereto which is located upon premises set aside for that purpose by the grantors, and which water may be transmitted to the instant premises by means of any pipe lines running from said well or any auxiliary thereof upon payment from time to time to the owner of said well and/or auxiliary well and premises upon which located, in accordance with any rates hereinafter established by grantor or by any State or Municipal Agency.

The instant conveyance is subject to the following covenants and restrictions in respect to lots shown on Block "D" on Amended Map of Gateway, Map No. 2009, filed in the Orange County Clerk's Office October 15, 1963.

1. That only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and other professional use for home and office, provided that exterior architecture of building is kept residential in appearance.

2. That no shack, shanty or trailer shall be erected or permitted on said premises.

3. That no unsightly, offensive or objectionable materials shall be stored or kept on said premises.

4. That no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

BEING a portion of premises conveyed by Bruhob Realty Corp. to Schoonmaker Bros., Inc., by deed dated May 24, 1963, recorded May 31, 1963 in Liber 1639 of Deeds at Page 841, Orange County Clerk's Office.

side of the premises herein conveyed, as well as a similar right or way over upon any continuation of said street or any connecting street or streets to afford and enable passage and re-passage from the conveyed premises to and from Route 94.

SUBJECT to all grants of record heretofore given to Central Hudson Gas and Electric Corporation and New York Telephone Company.

Together with a right in common with all others given the same rights to water for ordinary domestic purposes from the well and any auxiliary well subsequently connected thereto which is located upon premises set aside for that purpose by the grantors, and which water may be transmitted to the instant premises by means of any pipe lines running from said well or any auxiliary thereof upon payment from time to time to the owner of said well and/or auxiliary well and premises upon which located, in accordance with any rates hereinafter established by grantor or by any State or Municipal Agency.

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1. That only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and other professional use for home and office, provided that exterior architecture of building is kept residential in appearance.
2. That no shack, shanty or trailer shall be erected or permitted on said premises.
3. That no unsightly, offensive or objectionable materials shall be stored or kept on said premises.
4. That no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

BEING a portion of premises conveyed by Bruhob Realty Corp. to Schoonmaker Bros., Inc., by deed dated May 24, 1963, recorded May 31, 1963 in Liber 1639 of Deeds at Page 841, Orange County Clerk's Office.

Bruhob Realty Corp.

to

Central Hudson Gas and
Electric Corporation,
a domestic corporation, and
New York Telephone Company,
a domestic corporation

Grant

Dated October 27, 1961

Cons. \$1. etc.

Ack. October 27, 1961

Rec. December 7, 1961

Book 1607 Page 24.

Grants and conveys unto said corporations and each of them, their respective successors, and assigns an easement and right of way 30 feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned including roads and highways thereon and adjacent thereto, situated in the Town of New Windsor, County of Orange, State of New York.

Said easement and line shall extend along and adjacent to proposed streets, avenues and ways of a sub-division located on the premises conveyed by the Windsor Building Supplies Company, Inc. to Bruhob Realty Corp. by deed dated June 16, 1960, recorded June 30, 1960 in Liber 1556 of Deeds at page 472, Orange County Clerk's Office, Goshen, New York.

The exact location of said easement and right of way is to be as determined by said corporations having regard to the origin, general direction and destination of the lines and the requirements of said corporations.

Together with the right at all times to enter thereon and to have access thereto and to construct, relocate, operate, and maintain thereon and to repair, replace, protect and

remove lines of poles, cables, crossarms, wires, guys, braces, underground conduits and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said corporations, their respective successors, assigns and lessees.

Together with the right also to trim, cut and remove at any time such trees and other objects thereon and on adjacent property of the undersigned, as in the judgment of said corporations, their respective successors, assigns and lessees, may interfere with, obstruct or endanger the construction, operation and maintenance of said rights, lines and fixtures or any thereof.

Reserving unto the undersigned the right to cultivate the ground within the limits of the right of way, provided that such use of said ground shall not interfere with, obstruct or endanger any of the rights granted as aforesaid, and provided that no house or other structure shall be erected within the limits of the right of way without the written consent of said corporations, and provided that damage to the property owned by the undersigned caused solely by said corporations their respective successors, assigns or lessees in maintaining or repairing said lines shall be adjusted at the expense of said corporations, their respective successors, assigns or lessees.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and said corporations respectively.

*Should read Book 1755.

Bruhob Realty Corp.

to

Central Hudson Gas &
Electric Corporation,
a domestic corporation

Grant

Dated October 27, 1961

Cons. \$1. etc.

Ack. October 27, 1961

Rec. January 9, 1962

Book 1603 Page 1094

Grants and conveys unto the Corporation, its successors, assigns and lessees, an easement and right of way 10 feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situate in the Town of New Windsor, County of Orange, State of New York.

Said easement and right of way shall extend along and adjacent to proposed streets, avenues and ways of a subdivision located on the premises conveyed by the Windsor Building Supplies Company, Inc. to Bruhob Realty Corp. by deed dated June 16, 1960 recorded June 30, 1960 in Liber 1552 of deeds at page 472, Orange County Clerk's Office, Goshen, New York.

Together with the right at all times to have access thereto across the remaining premises of the undersigned (said right of access to be confined to practicable and reasonable routes to be designated by the undersigned), and to enter thereon and to construct, relocate, operate and maintain and to protect, repair, replace and remove in, upon, over and under the property covered by said easement and right of way, any and all lines of pipes, mains, ducts, conduits, and all other appurtenances and fixtures adaptable to the present or future needs, uses and purposes of the Corpora-

tion, its successors, assigns and lessees for any public utility use; and provided that physical damage to the property owned by the undersigned, caused solely by the Corporation, its successors, assigns and lessees, shall be adjusted at the expense of the Corporation, its successors, assigns and lessees.

Together with the permanent right also to trim, cut, and remove, at any time, such brush, trees and other objects thereon and on adjacent property of the undersigned, as in the judgment of the Corporation, its successors, assigns and lessees, may interfere with, obstruct, or endanger the construction, operation or maintenance of said rights, pipes, mains, ducts, conduits and other appurtenances and fixtures or any thereof, which may hereafter be constructed on said right of way. Said right shall include the right to use chemical means of brush and tree removal only within the limits of the right of way, and then only when such use does not interfere with the right of the undersigned to cultivate his ground as hereinafter set forth.

Reserving unto the undersigned the right to cultivate the ground on said easement and right of way, and the right to cross and recross said easement and right of way, provided that such use of said grounds shall not interfere with, obstruct, or endanger any of the rights granted as aforesaid, and provided that no house or other structures shall be erected, no road, path or driveway shall be constructed, and no excavating, mining or blasting shall be undertaken within the limits of the right of way without the written consent of the Corporation.

The terms hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors, assigns and lessees of the undersigned and Central Hudson Gas & Electric Corporation.

*Should read Book 1555

* * *

ORANGE COUNTY CLERK'S OFFICE RECEIVING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

ARTHUR S. ROLLER & JOYCE I. ROLLER

TO

DANIELJ. CADIGAN & KAREN M. CADIGAN

RD 33-24029

RECORD AND RETURN TO:

(Name and Address)

Bloom & Bloom, P.C.
PO Box 4323
New Windsor, NY 12553

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

R-7333

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52160 DATE 2-14-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove ☐
CH22 Chester ☐
CO24 Cornwall ☐
CR26 Crawford ☐
DP28 Deerpark ☐
GO30 Goshen ☐
GR32 Greenville ☐
HA34 Hamptonburgh ☐
HI36 Highland ☐
MK38 Minisink ☐
ME40 Monroe ☐
MY42 Montgomery ☐
MH44 Mount Hope ☐
NT46 Newburgh (T) ☐
NW48 New Windsor ☒
TU50 Tuxedo ☐
WL52 Walkill ☐
WK54 Warwick ☐
WA56 Wawayanda ☐
WO58 Woodbury ☐
MN09 Middletown ☐
NC11 Newburgh ☐
PJ13 Port Jervis ☐
9999 Hold ☐

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes ☐ No ☐

3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 540-

RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$ _____

by: LL

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 15th day of Feb 1994 at 2:22

O'Clock 2 M. In Liber/Film 3990
Used at page 15 and examined.

Joan A Macchi
County Clerk

Hamdenburgh
RECEIVED
\$ _____
REAL ESTATE
FEB 15 1994
TRANSFER TAX
ORANGE COUNTY

LIBER 3990 PAGE 95

APR 13

ORG 02/15/94 02:22:12 6822 44.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 52160 540.00 *
***** SERIAL NUMBER: 004681 *****

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 14th day of February 1994.

BETWEEN ARTHUR S. ROLLER & JOYCE I. ROLLER, residing at 15
Continental Drive, New Windsor, Orange County, New York 12553,

party of the first part, and DANIEL J. CADIGAN & KAREN M.
CADIGAN, husband and wife, residing at 2 Huckleberry Road,
Schodack, Rensselaer County, New York 12033,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of
Ten Dollars and other valuable consideration paid by the party of
the second part, does hereby grant and release unto the party of
the second part, the heirs or successors and assigns of the party
of the second part forever,

Schedule A Annexed

TOGETHER with all right, title and interest, if any, of the party
of the first part of, in and to any streets and roads abutting
the above-described premises to the center lines thereof;
TOGETHER with the appurtenances and all the estate and rights of
the party of the first part in and to said premises; TO HAVE AND
TO HOLD the premises herein granted unto the party of the second
part, the heirs or successors and assigns of the party of the
second part forever.

AND the party of the first part covenants that the party of the
first part has not done or suffered anything whereby the said
premises have been encumbered in any way whatever, except as
aforesaid.

AND the party of the first part, in compliance with Section 13 of
the Lien Law, covenants that the party of the first part will
receive the consideration for this conveyance and will hold the
right to receive such consideration as a trust fund to be applied
first for the purpose of paying the cost of the improvement and
will apply the same first to the payment of the cost of the
improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties"
whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed

this deed the day and year first above written.

IN PRESENCE OF:

Arthur S. Roller
W. HESS

Arthur S. Roller
ARTHUR S. ROLLER

Joyce I. Roller
JOYCE I. ROLLER

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 14th day of February, 1994, before me personally came ARTHUR S. ROLLER & JOYCE I. ROLLER to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to executing the same.

Alan J. Axelrod
Notary Public

ALAN J. AXELROD
Notary Public, State of New York
Qualified in Orange County
Commission Expires 11/30/94

BARGAIN & SALE DEED

ARTHUR S. ROLLER &
JOYCE I. ROLLER

-TO-

DANIEL J. CADIGAN &
KAREN M. CADIGAN

Section 45
Block 4
Lot 4

SCHEDULE "A"

All That certain lot, piece or parcel of land, together with the improvements thereon, known as Lot No. 15 Continental Drive, Block "D", on Amended Map of Gateway, Schoonmaker Bros., Inc., Town of New Windsor, Orange County, New York, as made and amended September 16, 1963 by C.F. DiMarzio L.S. No. 15985, and which amended map was filed October 15, 1963 as Map No. 2009, Orange County Clerk's Office, and which lot is more particularly bounded and described as follows:

BEGINNING at the most northerly corner of Lot No. 13 Continental Drive, Block D, as shown on said Amended Map of Gateway filed in the Orange County Clerk's Office as Map No. 2009, and continuing from thence along the northwesterly line of said Lot No. 13 Continental Drive, Block "D", South 49° 53' West 125 feet; thence along the rear line of Lot No. 51 Parade Place, Block "D", North 40° 07' West 29.15 feet and North 55° 06' West 48.70 feet; thence along the southeasterly line of Lot No. 17 Continental Drive, Block "D", North 34° 54' East 125 feet; thence along the southwesterly line of Continental Drive, South 55° 06' East 52 feet; thence continuing along Continental Drive on a curve to the right, with a radius of 100 feet for a distance of 26.14 feet; thence still along Continental Drive, South 40° 07' East 32.41 feet to the point of beginning.

27305

TRANSAMERICA FLOOD HAZARD CERTIFICATION

P.O. BOX 607, ELMWOOD PARK, NEW JERSEY 07407-0607
(800) 247-3384 FloodFax™ (800) 553-3424

Please certify to:

Hardenburgh Abstract

(Lending Institution)

if the Subject Property is in a special Flood Hazard Area as defined in the Flood Disaster Protection Act. Unless TFHC is informed otherwise with receipt of this order, the party listed below is responsible for payment for this Certification.

MAIL CERTIFICATION TO:

Hardenburgh Abstract Co.

12 Scotchtown Ave.

P.O. Box 638

Goshen, NY 10924

SUBJECT PROPERTY

County Orange State NY New York

Town or Boro New Windsor

Village or Boro

Section 45 Block 4

District (Suffolk only) Lot 4

Subdivision? Filed Map #
or Condo Name and Unit #

Street Address

15 Continental DR

Present Owner's Name Arthur & Joyce Roller

Your File Reference RD-33-24029

TERMS AND CONDITIONS OF CERTIFICATION

1. This certification runs to the benefit of the lending institution shown hereon, the applicant and all other parties in interest.
2. This certification is as of the date stamped hereon and is based upon an examination, in accordance with applicable regulations, of the current Flood Hazard Area maps published by the Federal Insurance Administration.
3. This certification is intended solely for the purpose of compliance by the Lending Institution with the Flood Disaster Protection Act of 1973 and does not constitute any opinion on the part of Transamerica Flood Hazard Certification (TFHC) as to the advisability of securing or not securing flood insurance for the property described herein.
4. **NOTICE:** This certification is based upon the applicant's identification herein of the property by its tax identifiers.
5. This certificate is not valid unless it bears signature authorized by TFHC.

CERTIFICATION

1. We certify that the subject property is

☐ Partially IN ☐ Totally IN ☒ Totally OUT of

a Special Flood Hazard Area as identified by the Federal Insurance Administration. If "Partially IN" or "Totally IN," see "LENDER'S NOTICE TO BORROWER" on reverse side of this form.

2. We further certify that the subject property is in a community that

☐ Is ☐ Is Not

participating in the National Flood Insurance Program (N.F.I.P.). See "LENDER'S NOTICE TO THE BORROWER" on reverse side of this form.

3. If the subject property is "Partially IN" or "Totally IN" a Special Flood Hazard Area and IF the subject property is located in a community participating in the N.F.I.P., we further certify that the community is in the

☐ REGULAR ☐ EMERGENCY phase of the N.F.I.P.

COMMUNITY #	MAP PANEL #	SUFFIX
360628	0000	B
FLOOD ZONE	BASE FLOOD ELEVATION	MAP PANEL DATE
		12/15/78
		REGULAR PROGRAM ENTRY DATE
		/ /

A. P. Kelly-Tony

Authorized TFHC Signature

19940106 NE 0127

CERTIFICATION NO.

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

BUILDING DEPARTMENT

Building Permit No: 6605

Location: CONTINENTAL DRIVE (WEST SIDE)

Map No: 334800

Section: 45

Block: 4

Lot: 4.0

CERTIFICATE OF OCCUPANCY

CO No: 94-32

CO Date: 2/ 4/94

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 9/15/93, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material:	Number of Stories: 0.0	Number of Facilities: 1
Dimensions of Building: 12' X 22'	Dimensions of Lot:	
Use of Building: PORCH	Number of Bedrooms: 0	
Number of Toilets: 0	Number of Bathrooms: 0.0	
Heating Plant:		
Remarks: 12' X 22' SCREEN PORCH/APPROVED BY ENGINEERS REPORT		

This certificate is issued to: ROLLER, ARTHUR S.
for the aforesaid structure.


Building Inspector

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy).

DISTRIBUTION:

ORIG to APPLICANT,

COPY to FILE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

JANUARY 5, 1994

HARDENBURGH ABSTRACT COMPANY
P.O. BOX 638, 12 SCOTCHTOWN AVENUE
GOSHEN, N.Y. 10924

PROPERTY ASSESSED TO: ARTHUR AND JOYCE ROLLER
15 CONTINENTAL DRIVE
NEW WINDSOR, N.Y. 12553
SECTION 45, BLOCK 4, LOT 4

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1965 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

{ PLEASE BE ADVISED THAT A BUILDING PERMIT #6605 WAS ISSUED SEPTEMBER 15, 1993 FOR A SCREENED PORCH. TO DATE, NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THIS PERMIT.

CONTINENTAL DRIVE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,


MICHAEL BABCOCK
BUILDING INSPECTOR *LM*

MB:ldm

Prelim.
July 11, 1994.
7:30 p.m.
#94-30

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 13, 1994

APPLICANT: ~~DANIEL CODRAN~~ *CADIGAN (Karen)*
15 CONTINENTAL DRIVE
NEW WINDSOR, N.Y. 12553

561-4076.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 10, 1994
FOR (BUILDING PERMIT): TO CONSTRUCT A 10FT. X 12 FT. SHED
LOCATED AT: 15 CONTINENTAL DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 45, BLOCK: 4, LOT: 4
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INUSFFICIENT REAR AND SIDE YARD SET-BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE		VARIANCE REQUEST
ZONE: R-4	USE 48-14-A-B		
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD	10FT.	3FT.	7FT.
REQ'D TOTAL SIDE YD			
REQ'D REAR YD.	10FT.	3FT.	7FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer:-

Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

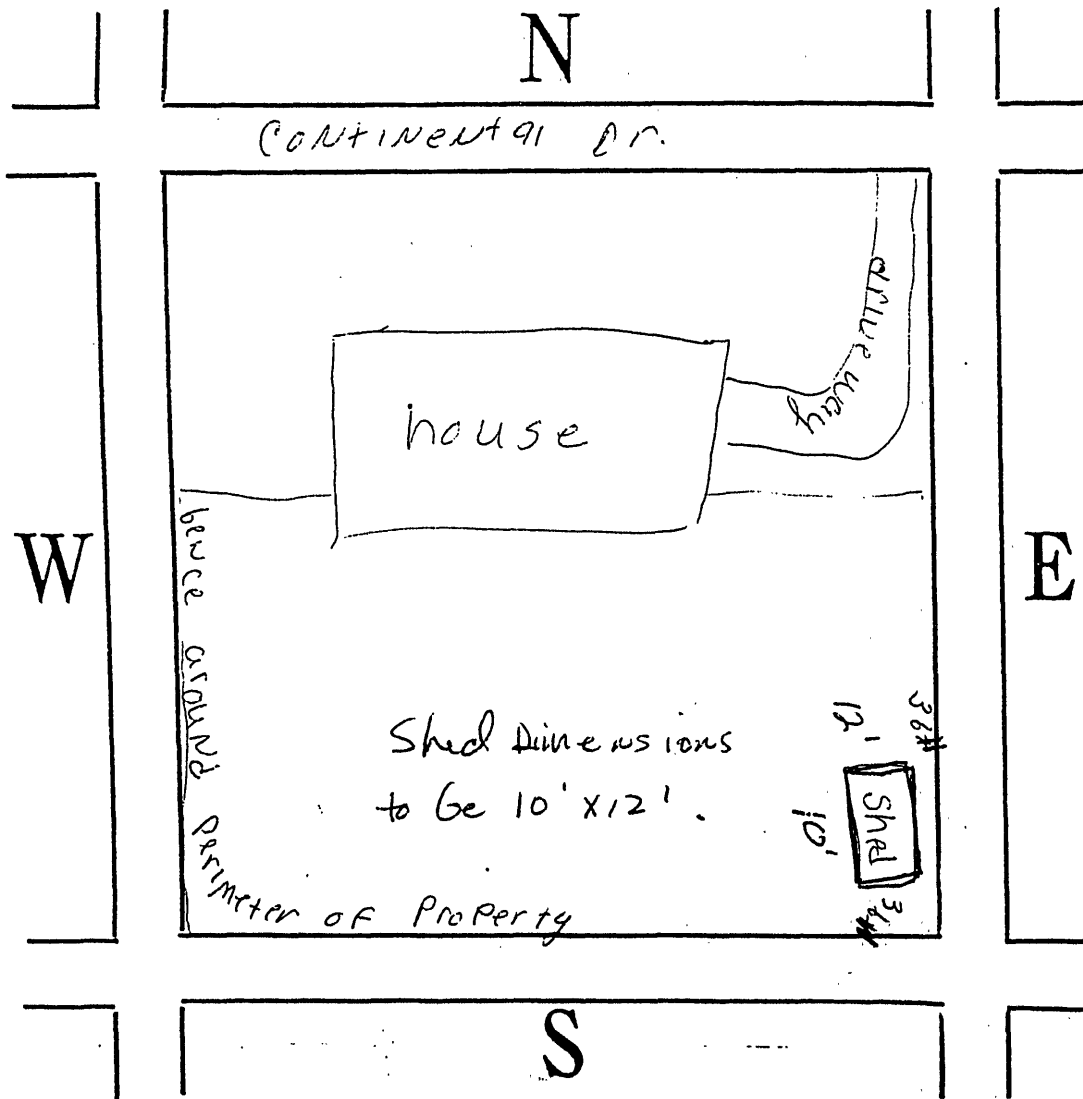
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



.. TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer:-

Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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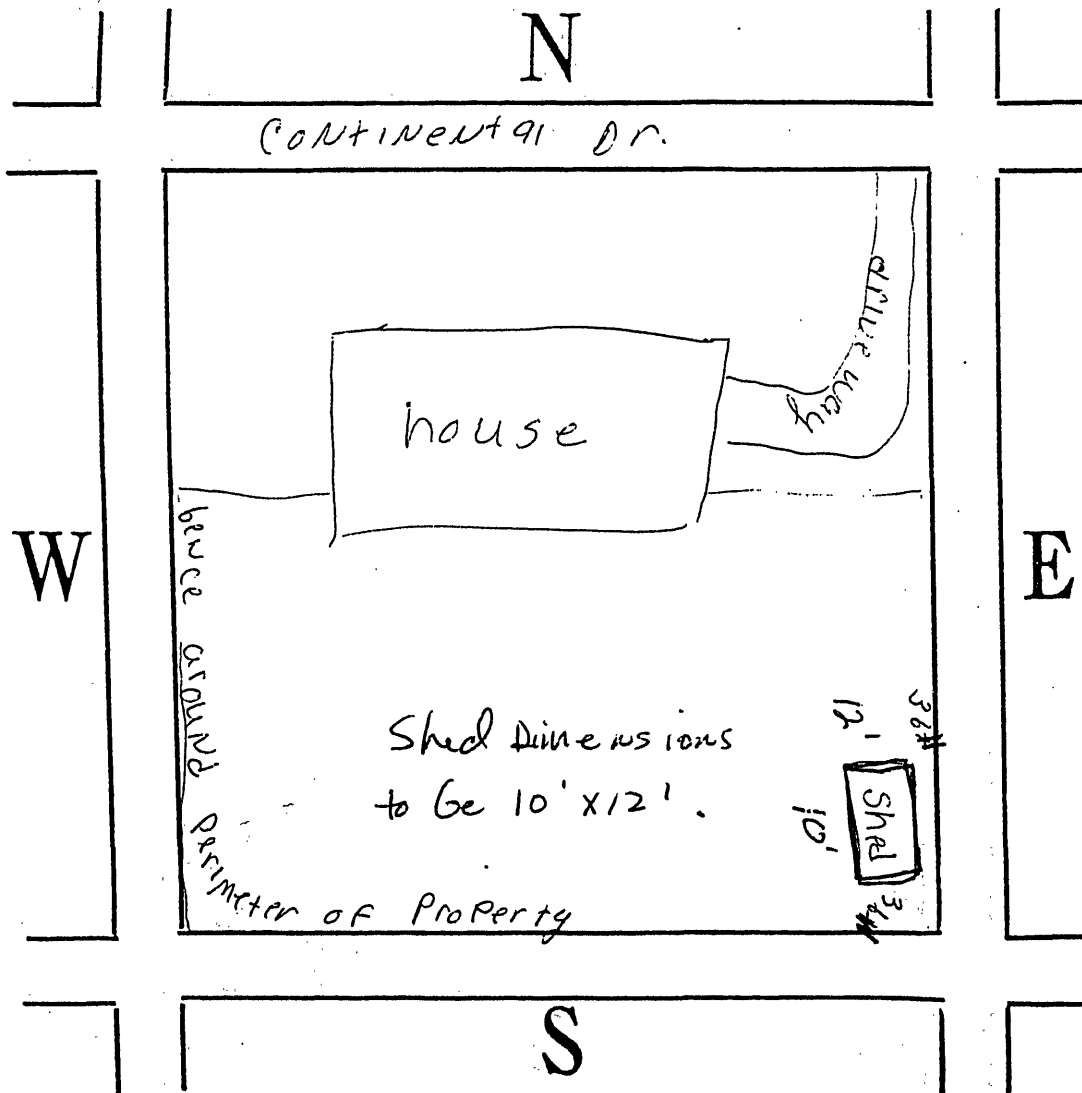
.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 35

SECTION 42

SECTION 46

SECTION 37

SECTION 49

251

ALL NEWBURNH SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

Reported by
AERO SERVICE CORPORATION
A DIVISION OF LITTON INDUSTRIES
1000 NEW YORK AVENUE, NEW YORK 17, N.Y.
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	①
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	32
FILED & SECTION LINE	MATCH LINE	AREA	3.1 AC.
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	100' x 100'
PROPERTY LINE			

ORANGE COUNTY~NEW YORK

Photo No. 14-32,33 Date of Photo 9-1-62
Date of Map 9-25-67 Date of Revision 8-1-69
Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 49

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Karen Codigan

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Sept. 8, 1994., I compared the 50 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
14th day of September, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-30.

Date: 7/28/94

I. ✓ Applicant Information:

- (a) Daniel J. & Karen M. Cadigan 15 Continental Dr. X
(Name, address and phone of Applicant) (Owner)
- (b) 914-561-4076
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R4 15 Continental Dr. 45-4-4 8 110 x 125
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? Residential
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 2/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? Not aware of any
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Wooden Storage shed, prefabricated with wooden floor is proposed

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) ^{N/A} Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 46-12, Table of USA-B41K Regs. Regs., Col. F-G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft</u>	<u>3 ft</u>	<u>7 ft</u>
Reqd. Rear Yd. <u>10 ft</u>	<u>3 ft</u>	<u>7 ft</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	<u>0</u> %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) *N/A* Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
X Copy of tax map showing adjacent properties.
N/A Copy of contract of sale, lease or franchise agreement.
X Copy of deed and title policy.
X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
N/A Copy(ies) of sign(s) with dimensions and location.
Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 292.00, each payable to the TOWN OF NEW WINDSOR.
Photographs of existing premises from several angles.

X. Affidavit.

Date: 9/6/94

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X. Louis Carlson
(Applicant)

Sworn to before me this

6th day of September, 1994.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995

(a) Public Hearing date: _____

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

V.b. The request for this variance is based on both appearance and practicality. We believe erecting a shed three feet from the property line versus ten feet will look much more attractive with the landscaping already in place yet provide enough room to mow around. Placing the shed ten feet away would give the appearance of a chopped up back yard. Erecting a shed ten feet from the property line would also entail removing existing shrubs and plants, some of them sizeable which we would rather not do.

We don't see where this request would cause any detriment to the health, safety, welfare, or character of the neighborhood. When we put a purchase offer on our house there was a shed in the proposed location and it looked quite attractive.

We do not believe this request is substantial nor would it have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 30

Request of Karen & Daniel Cadogan

for a VARIANCE of the Zoning Local Law to permit:

erecting a shed three feet from property
line w/ insufficient side & rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk
Reqs. - Cols. F & G

for property situated as follows:

15 Continental Drive
New Windsor, New York

known as tax lot Section 45 Block 4 Lot 4.

SAID HEARING will take place on the 26th day of Sept.,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

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August 16, 1994

Mrs. Karen Cadigan
15 Continental Dr.
New Windsor, NY 12553

Re: Tax Map Parcel #45-4-4
Owners: Daniel J. & Karen M. Cadigan

Dear Mrs. Cadigan:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

Leslie Cook/po
Leslie Cook
Sole Assessor

LC/po
Attachments (4)
cc: ~~Pat Barnhart~~

Masloski, Joseph & Genevieve
24 Lannis Ave.
New Windsor, NY 12553

Grimando, Leonard
22 Mark St.
New Windsor, NY 12553

Fitzgerald, Thomas P., Jr. & April Lee
1307 Inwood Terr.
Fort Lee, NJ 07024

Loehle, David W. & Lucy D.
100 Continental Dr.
New Windsor, NY 12553

Steel, Michael T. & Patricia
12 Continental Dr.
New Windsor, NY 12553

Esposito, Dominick & Cynthia J.
14 Continental Dr.
New Windsor, NY 12553

Fredrick, Martha
16 Continental Dr.
New Windsor, NY 12553

Godfrey, Nancy N. & Paul A.
18 Continental Dr.
New Windsor, NY 12553

Spreer, Charles E. & Audrey M.
20 Continetal Dr.
New Windsor, NY 12553

Westerman, John, Jr. & Katherine A.
22 Continental Dr.
New Windsor, NY 12553

Greiner, Lucille
24 Continental Dr.
New Windsor, NY 12553

Granieri, Vincent S. & Joan H.
26 Continental Dr.
New Windsor, NY 12553

Jones, Samuel L. & Ruby & Leon K.
28 Continental Dr.
New Windsor, NY 12553

Guillotin, Jean & Marie Louise
30 Continental Dr.
New Windsor, NY 12553

Schatz, Aloysius J.
1470 Route 94
New Windsor, NY 12553

Volpe, Daniel J., Jr. & Michele A.
19 Mark St.
New Windsor, NY 12553

McCue, Mary Grace
17 Mark St.
New Windsor, NY 12553

Marvel, Walter, III & Joan H.
25 Continental Dr.
New Windsor, NY 12553

Hunter, Charles W., Jr. & Kathy L.
15 Musket Place
New Windsor, NY 12553

Valentino, Peter A. & Dolores A.
13 Musket Place
New Windsor, NY 12553

Nadler, Ernest & Carolyn
11 Musket Place
New Windsor, NY 12553

Kehl, Joseph F., Jr. & Joan M.
9 Musket Place
New Windsor, NY 12553

DiLorenzo, Carl J. & Mary A.
8 Musket Place
New Windsor, NY 12553

Bartek, James W. & Sistine
26 Parade Place
New Windsor, NY 12553

Cariello, Frank J.
24 Parade Place
New Windsor, NY 12553

Sabella, Paul A. & Donna A.
22 Parade Place
New Windsor, NY 12553

Pellegrino, Vito
3 Continental Dr.
New Windsor, NY 12553

McCourtney, Bernard J. & Selene
1 Continental Dr.
New Windsor, NY 12553

Cinnante, Christopher & Gail A.
6 Cannon Dr.
New Windsor, NY 12553

Bresnan, James J., Jr. & Paula L.
8 Cannon Dr.
New Windsor, NY 12553

Dowd, Michael & Eileen A.
43 Parade Place
New Windsor, NY 12553

Bittles, Richard J. & Kathleen P.
45 Parade Place
New Windsor, NY 12553

Berean, Howard A. & Laurine R.
47 Parade Place
New Windsor, NY 12553

Kelly, James & Veronica
49 Parade Place
New Windsor, NY 12553

Dayton, Oren R. & Dolores V.
51 Parade Place
New Windsor, NY 12553

Brentnall, William N., Jr.
53 Parade Place
New Windsor, NY 12553

DeLuca, Joseph A. & Anna
55 Parade place
New Windsor, NY 12553

Brodeski, Cazmer S. & Dorothy A.
10 Musket place
New Windsor, NY 12553

Grimando, Peter & Clementina
10 Cannon Dr.
New Windsor, NY 12553

Mlinaric, Kathy &
Amanatides, Apostolos
12 Cannon Dr.
New Windsor, NY 12553

Callahan, Florence M.
c/o Rita E. Bott, Guardian
& James F. Bott, Guardian
1657 E. 34th St.
Brooklyn, NY 11234

Buckner, Ronald H. &
Wilkinson, Diane
16 Cannon Dr.
New Windsor, NY 12553

Blabac, George & Margarite
21 Continental Dr.
New Windsor, NY 12553

Gaydos, Robert P. & Annette C.
19 Continental Dr.
New Windsor, NY 12553

Saunders, Bruce & Carol S.
17 Continental Dr.
New Windsor, NY 12553

Correa, Reynaldo & Alma R.
13 Continental Dr.
New Windsor, NY 12553

Picard, Maurice J.
11 Continental Dr.
New Windsor, NY 12553

Williams, Palmer R. & Marie T.
9 Continental Dr.
New Windsor, NY 12553

DeMarco, Leonard R. & Susan R.
7 Continental Dr.
New Windsor, NY 12553

Bedetti, III, Francis &
Lupardo, Christine A.
5 Continental Dr.
New Windsor, NY 12553

CADIGAN, KEVIN

Mrs. Karen Cadigan appeared before the board for this proposal.

MR. NUGENT: Request for 7 ft. side yard and 7 ft. rear yard variances to construct a 10 ft. x 12 ft. shed at 15 Continental Drive in an R4 zone.

MRS. CADIGAN: When we decided to buy the house, there was a shed there with landscaping all around it but they didn't have the building permit or the variance for it so we had to tear it down so we just want to put the shed up to replace it. The landscaping is still there, just weeds growing there now so just a storage shed for the lawn mower and that type of stuff. I dropped off the brochure, it's a wooden one, wooden floor on it.

MR. BABCOCK: On January 24, I think the previous owner which was Roller (phonetic), applied and came in and had a preliminary meeting. They were set up for a public hearing. Then I think they decided to instead of going through the public hearing to take the shed down. They sold the house to this lady.

MRS. CADIGAN: We couldn't wait to close for the public hearing.

MR. BABCOCK: Now she's coming back to reapply to put a new shed in its present location.

MR. LANGANKE: Why is it in that specific location?

MRS. CADIGAN: Just the size of the yard, it's just, it will take up so much yard room, they already fenced in the back.

MR. NUGENT: I don't have pictures but I do have a sketch of the location. I don't know how accurate the sketch is.

MR. NUGENT: The other people had attempted to start this proceeding.

July 11, 1994

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MR. TORLEY: I move we set Mrs. Cadigan up for a public hearing on the request for her variances as listed on the agenda.

MR. LANGANKE: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you come back, if you would address yourself to the 5 criteria listed there. Those are the criteria on which the Zoning Board legally must make a decision and if you will call the Zoning Board secretary, she'll give you an application and instructions as to where to go from here.

MRS. CADIGAN: Thank you.